

United States District Court  
Northern District of California

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER TO AMEND SCHEDULING  
ORDER**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby stipulate and respectfully request that the Court amend this Court's Scheduling Order to reset the briefing schedule on the adequacy of the administrative record and the briefing schedule for the parties' cross motions for summary judgment. In support of this stipulation, the parties state as follows:

1. On April 22, 2025, this Court entered a scheduling order providing for Defendants to submit the administrative record by May 9, 2025, 12:00pm, and for both parties to file simultaneous summary judgment motions by June 5, 2025, 12:00pm, with oppositions to those motions to be due 14 days later, and replies seven days after that. *See* Scheduling Order, ECF No. 204.

2. The Scheduling Order also directed the parties to "use their summary judgment motions to address anew the extent to which review should be limited to the 'administrative record,' whether the 'administrative record' submitted is complete, and whether there should be a pause in briefing to address those deficiencies." *Id.*

3. On April 25 and 28, 2025, the parties met and conferred regarding the Scheduling Order. In order to conserve the parties' resources and to promote judicial economy, the parties stipulate to a revised briefing schedule to address the adequacy of the administrative record and for the parties' cross motions for summary judgment.

4. With respect to the administrative record, the parties stipulate to the following schedule:

- a. Defendants will file the administrative record no later than May 9, 2025;
- b. Plaintiffs will file any motion on the adequacy of administrative record no later than June 5, 2025;
- c. Defendants will file a response to any such motion no later than July 3, 2025;<sup>1</sup>
- d. Plaintiffs will file a reply in support of any motion no later than July 21, 2025.

The parties request this Court to resolve any motion on the adequacy of administrative

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<sup>1</sup> Defendants will need this additional time to respond to Plaintiffs' motion to accommodate the approved annual leave plans of Defendants' counsel for June 3–19, 2025.

record before the parties engage in summary judgment briefing on a staggered briefing schedule similar to what is set out below.

5. If Plaintiffs do not challenge the adequacy of the administrative record, the parties stipulate to the following staggered schedule for summary judgment briefing:

- a. Plaintiffs will file their summary judgment motion no later than June 5, 2025;
- b. Defendants will file a combined opposition and cross-motion for summary judgment and opposition no later than July 3, 2025;<sup>2</sup>
- c. Plaintiffs will file a combined opposition and reply no later than July 24, 2025; and
- d. Defendants will file a reply no later than August 12, 2025.

6. In light of the nature of this action and the current procedural posture of this case, the parties additionally stipulate to stay Defendants' Answer to Plaintiff's Second Amended Complaint until after this Court rules on the parties' respective motions for summary judgment, with that stay lifted in the event that the Court denies both summary judgment motions. In the event that this Court denies both summary judgment motions, Defendants will file their Answer Plaintiffs' Second Amended Complaint 30 days after any such decision. *Accord* Fed. R. Civ. P. 15(a)(3).


### CONCLUSION

For good cause shown, the parties respectfully request that this Court enter the parties' stipulation to amend the Scheduling Order.

### ~~[PROPOSED]~~ ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED: May 2, 2025



HON. WILLIAM ALSUP  
United States District Judge

<sup>2</sup> See *supra*, n.1.

DATED: May 1, 2025

Respectfully Submitted,

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